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"Nothing extenuate, nor set down aught in Malice."

Vol. LII.

BOMBAY: WEDNESDAY, MARCH 31, 1841.

New Series No. 39.

CHARGES FOR ADVERTISEMENTS IN THE BOMBAY GAZETTE.

6 Annas per line, with the customary abatement to the Trade.
For others the charges are:
6 Annas per line for a first insertion.
3 do. do. for a second do.
2 do. do. for a third do.
the same being in immediately succeeding papers.
Under ten lines, 4 Rupees.

BOMBAY GAZETTE OVERLAND DISPATCH.

WHICH will contain a Precise of Indian Intelligence for the past Month.
The Public and Subscribers to the Gazette are informed that an Overland Monthly Dispatch, will be published at this Office for the present and every succeeding Mail—to Subscribers of the Gazette, *Gratis*.—Non-Subscribers one Rupee per Copy and to Subscribers for the above alone Rs. 10 per Annum, in England £1. 1s.

The Outstation Subscribers to the *Bombay Gazette* are hereby informed that if they will favor the Editor with the names of the Parties in England to whom they wish their Overland Gazette to be sent, they will be forwarded punctually through the Post Office here by each Steamer.

No Postage is levied by the Falmouth route and by Marseilles Two-pence.

Agents in England, Messrs. Girdland, Christian and Matthews, 16, Cornhill, and 8, St. Martin's place, Charing Cross.
Bombay Gazette Office, No. 5, Forbes' Street.

THE SUBSCRIBERS of the BOMBAY GAZETTE are respectfully requested, to take notice that the New Proprietorship commenced from the 1st of June 1840, and that all accounts &c. with the present concern will commence from that date.

THE SUBSCRIBERS to the GAZETTE are requested that whenever a change of residence or Station may take place, they will be pleased to give information of the same, in order, to prevent mistakes in forwarding their Newspaper.

COPPER PLATE PRINTING.

THE LADIES and GENTLEMEN of the Presidency and the Public in general are hereby informed, that VISITING and INVITATION CARDS will be neatly executed and on reasonable terms at this Office.

All orders for Copper Plate Engraving and Card Printing addressed to the Printer of this Paper will be carefully attended to.

TO THE ARMY AND NAVY.

THE following Works are for Sale and to be had on application at this Office.

MARRIAT'S CODE OF SIGNALS, Sixth Edition, of the 1st, 2nd, and 3rd Parts, with the Supplement to the above, and also the Honorable Company's Steamers and Ships of War, corrected and enlarged with considerable alterations and additions. Rs. 2

Report of the Commissioners for Inquiring into the Naval and Military Promotion and Retirement. Rs. 2

Proceedings of a General Court Martial held at Fort George on Captain D. G. Duff, 15th Regt. N. L. Rs. 1

BOMBAY SPORTING MAGAZINE.

MANY applications having been made to the Editor of this Journal, and promises of assistance given to get up a *Sporting Magazine*. It is hereby announced that the 2nd No. of the BOMBAY SPORTING MAGAZINE was published on the 29th of March, and No. 3 will appear in June. The price to Subscribers is 12 Rupees a year, single numbers 4 Rupees. Communications will be thankfully received.

FOR SALE.—A few copies of the "CYCLOPEDIA MAGAZINE" from No. 1 to 3, for September, October and November, Price 3 Rupees per Copy.—Apply at the Bombay Gazette Office.

Gentlemen desirous of becoming Subscribers to the above Periodical will be pleased to communicate the same to the Editor by letter post paid.

FOR SALE, at the Gazette Office:
Respondentia Bonds, each Rs. 1
Ship's Articles " 1
Policies of Insurance " 1
Bills of Exchange, per set Ans. 6
Interest Bonds " 8
Bills of Lading " 8
Powers of Attorney, each " 8

TO be had at the Godowns of the undersigned, *Superior Sherry in Wood from the House of Apalatagui and Co., of Xeres.*
In Butts at Rs. 550
Hhd. at " 300
Quarter Cask " 150
In Quart Bottles per dozen " 18
WILLIAM AND THOMAS EDMOND & CO.
Rampart Row, 31st March 1841.

FOR PASSAGE TO LIVERPOOL.

THE fine First Class Ship "LANCASTER," J. JEFFERSON, Commander, 756 Tons Register, has superior accommodations for Passengers and carries a Surgeon, will sail on the 5th April.

For terms apply on board, or at the office of Messrs. HIGGINSON and CARDWELL, Meadow street.
Bombay, 31st March 1841.

ADVERTISEMENT.

NOTICE is hereby given, that a House measuring 30 square feet, situate in New Line Road, at Sonaore, belonging to ANTONIO D'ALMEIDA, a European Portuguese Inhabitant of Bombay, hath contracted and agreed to sell the same with all the Rights and title unto LEONATH JULIAN GRASSEY, Portuguese Inhabitant of Bombay, who hath already occupied the same and hath possession thereof.—All person or persons having any claim or demand thereon by way of Inheritance, Mortgage or otherwise, are hereby required to make the same known to the said purchaser within fourteen days from the date hereof, otherwise he, she or they will be precluded therefrom.—Dated this 31st day of March 1841.

जाहीर खबर

या पत्रावरून खबर दिल्ली आहे कीं घर येक चौरस ३० फुटीचे सोनापुराचे नवे लहरीचे रस्त्यावर आहे ते घर फारंगी आनतोनी हे आलमीदा पुर्तुगाली मुंबईचे राहाणार याचे आहे ते त्याने फारंगी ली-ब्राय जुली आनतोनी मुंबईत राहाणार यास विकत द्यावाचें तसे केले आहे आणि संप्रत तो त्यांत राहतो आणि ते त्याने आपल्या स्वाधीन ठेवले आहे त्यास व त्यावर ज्याचा वारसीचा कींवा माहागाचा कींवा दुसरा कोणताही दावा असेल त्याने आजपासून चौदा दिवसांत ते घर लढरु विकत घेणार यास जाहीर करावे नाहीतर पुढे त्याचे काहीच चालणार नाही तरीच ३१ वे मार्च १८४१.

ADVERTISEMENT.

NOTICE is hereby given, that RUSSELL RAMCHANDER, of Bombay Hindoo Inhabitant, hath contracted to sell to PERMANASS JUGESWANDASS, also of the same place Hindoo Inhabitant, all that Messuage Tenement or Dwelling house covered with Tylos, standing and being on the Fazezary's ground, situate without the Fort walls of Bombay, in second Bhowwadda Street, and assessed by the Collector of Assessment under No. 52.—All persons having any claim or demand thereon by way of Inheritance, Mortgage or otherwise are hereby required to make the same known to Mr. ARMITAGE Attorney at Law, for the said purchaser within fourteen days from the date hereof, otherwise the same will be precluded therefrom.—Dated this 29th of March 1841.

TO BE SOLD.—Two Shares in the *Bombay Times Journal* and Printing office. For particulars enquire of Mr. BAINBRIDGE, Solicitor Rampart Row.—Dated this 30th day of March 1841.

PATCH AND BAINBRIDGE.

जेमजे. नाईमय. नांम नां. पापानां नां
जे. ना. वे. यानां. ते. वा. शे. यो. दश. वा. शे.
५. था. पु. कु. ना. ना. ना. ना. ना. ना. ना. ना. ना.
नां. ना. ना. ना. ना. ना. ना. ना. ना. ना. ना. ना.
५. था. ना.

पाय. तथा. जे. ना. ना. ना. ना. ना. ना. ना. ना.

दोन भाग मुंबई टेम्स छपाखान्याचे विक्रायाचे आहेत त्याविषयी चौकस बातमी मेस्तर बेनब्रिज वकील यांस कोटाचे बुरुजा दखल विचारल्यावर कलेऊ.
पाय. व बेनब्रिज.

GENERAL ORDERS.

BY THE RIGHT HONORABLE THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

FORT WILLIAM, 15th March, 1841.
No. 70 of 1841.—The Pay, Batta, and other Allowances, for March 1841, of the Troops at the Presidency, and at the other Stations of the Army, will be issued on or after Friday the 9th Proximo.

J. STUART, Lt.-Col.,
Secy. to the Govt. of India, Milg. Dept.

Head-Quarters, Calcutta, 17th March, 1841.
No. 134.—1. The Commander in Chief in India has been pleased to approve of Lieutenant T. Jones to act as Adjutant to the 94th Regiment of Foot, until further orders.

NOTE.—The above appointment cancels those of Quarter Master Waite and Sergeant Major G. Crosier, in succession to Lieutenant D'Arcy, who resigned his Adjutancy only, as notified in General Orders Nos. 48 and 71 of 1840.

2. Assistant Surgeon Mapleton, M. D., of the 40th Regiment, is attached to and will do duty with the 55th Regiment, until an opportunity offer to enable him to proceed to Bombay to join his Corps.

3. The Order by Lt. Captain Desborough, 3d Bds., dated the 3d instant, appointing Private

William Flanagan a Corporal in the Detachment under his Command, during the march to Landour, is confirmed.

4. Leave of absence is granted—
4th Lt. Drigs.—Coronet
Campion, 26th Regiment.—Lieut.
nant Sharp.

21st Fusiliers.—Lieutenant Holland, for one month to Head Quarters, for the purpose of appearing before a Board of Medical Officers.
By order of His Excellency the Commander in Chief
H. G. SMITH, Major General,
Adjutant General H. M. Forces in India

BY THE COMMANDER IN CHIEF.

Head-Quarters, Calcutta, 12th March, 1841.—
The order of the 24th December last, by major general G. Burrell, nominating surgeon J. P. Grant, of the Madras establishment, to officiate as superintending surgeon to the troops with the eastern expedition, on the departure of superintending surgeon King, on the sick certificate, is, with the sanction of government confirmed.

The Sirhind artillery division order of the 1st instant, appointing 1st lieutenant J. L. C. Richardson, of the 3rd troop 1st brigade of horse artillery, to act as adjutant and quarter master to the 3d battalion of artillery, is confirmed as a temporary arrangement.
The following removals and postings will take place in the regiment of artillery:
Major G. G. Dennis, (on furlough) from the 3d battalion to the 5th battalion.
Major H. J. Wood, new promotion, to the 3d battalion, and will assume command of the left wing at Dum Dum.
Captain G. Ellis, new promotion, (on staff employ) to the 4th company 4th battalion.
Captain F. R. Bazely, new promotion, (on staff employ) to the 1st company 1st battalion.
1st lieutenant C. Douglas, new promotion, (on staff employ) to the 1st company 3d battalion.
1st lieutenant D. O. R. Bristow, new promotion, to the 1st company 4th battalion.

Head Quarters, Calcutta, 13th March, 1841.—
The following orders are confirmed:

By major general M. Boyd, commanding at Kurnaul, under dates the 28th ultimo 2d instant the former appointing steward G. Dalby to act as apothecary and steward to the depots of his majesty's 13th light infantry and 44th foot, proceeding to Cawnpore, and directing hospital apprentice E. Moore to accompany the depots; and the latter directing assistant surgeon W. L. McGregor M. D. of the 31st troop 1st brigade of horse artillery, to receive medical charge of the Paneeput jail, as a temporary arrangement.

By brigadier J. Kennedy, C. B. commanding the Rajpootana field force, of the 27th ultimo, directing assistant surgeon G. T. C. Fogarty to proceed to Kotah, and place himself under the orders of the political agent there.

By Brevet lieutenant colonel J. S. H. Weston, commanding at Myspoore, of the 28 ultimo, appointing lieutenant C. J. Mainwaring, of the 1st native infantry, acting interpreter and Quarter Master to the 31st Regiment, to be station staff at Myspoore.

The order of the 23d ultimo, by major general W. K. Elphinstone, C. B. commanding the British troops in Afghanistan, granting six months' leave of absence, from the 15th ultimo, to captain (now major) C. W. Cowley, of the 35th Regiment of native infantry, to visit the provinces, on private affairs, is confirmed.

Major J. Bourdieu, of the 43d Regiment of native infantry is, at his own request, permitted to visit Deyrah, instead of Simla, as notified in general orders of the 2d ultimo.

Lieutenant H. C. James, of the 32nd, acting interpreter and quarter master with the 51st Regiment of native infantry, is appointed interpreter and quarter master to his own corps and directed to join.

The undermentioned officers have leave of absence:

Invalid establishment—lieutenant E. W. Ravenscroft, from 27th February to 15th June, to visit the presidency, on urgent private affairs.

Medical department—assistant surgeon T. Cantor, M. D. late doing duty with H. M. 26th foot at Chusan, from 12th November 1840 to 12th March, to visit Calcutta, on medical certificate.

By order of his excellency the commander in chief.

P. CRAIGIE, Major,
Depty. Adj. Genl. of the Army.



Marine Department.

NOTIFICATION.

Notice is hereby given, that it is the intention of the Honorable the Governor in Council, to despatch a Steamer, with a Mail for Suez, on Thursday the 1st of April next.

By order of the Honble the Governor in Council,
P. M. MELVILLE, Lieut. Col. Secy. to Govt.
Bombay Castle, 5th February 1841.

Notice is hereby given, that it is the intention of the Honorable the Governor in Council, to despatch a Steamer, with a Mail for Suez, on Saturday the 1st of May next.

By order of the Honble the Governor in Council,
P. M. MELVILLE, Lieut. Col.
Secretary to Government.
Bombay Castle, 12th March 1841.

Shipping Arrivals and Departures.

ARRIVALS.

March 29th, Barque Memnon, John Speed, Master, from Tutocorin 24th February.

Do. 30th, Barque John William Dare, J. Shepherd, Master, from Siam 7th February, Singapore 22d February and Tellicherry 18th March.

Do. 30th, Brig Rossumea, A. Keith, Master, from Newcastle.

Do. 30th, H. C. Steam Vessel Enterprize, Captain C. H. West, from Calcutta 10th and Cochin 26th Instant. Passengers.—Mrs. Timins, Mrs. Lyall, C. Lyall, Esq.—Timins, Esq. J. P. Grant, Esq.—Newcomen, Esq. Lieut. Yule, Realtz, Esq. J. B. Scott, Esq. R. B. Brown, Esq. and J. Thompson Esq.

Shipping in the Harbour.

R. I. C. VESSELS.	R. I. C. STEAMERS.
Receiving Ship Hastings.	Indus.
SCHOONERS.	Auckland.
Taptee.	Cleopatra.
Royal Tiger.	Berenice.
Palmarus.	Sesostri.
Tigris.	Hugh Lindsay.
	Cutter Margaret.
	Medusa.
	Enterprize.

Merchant Vessels.

ENGLISH.	COUNTRY.
Charles Grant Rossumea.	Champion. Chiefatain.
Canderberg.	Amody.
Pittamher Savoy.	David Savoy.
Caroline.	Jehangier.
Colonel Newal.	Wild Irish Girl.
Esavie.	Malikool-Bahr.
Maria.	Cursetjee Chwasjee.
Ruiy.	Shaw Alum.
Panay.	John.
Hydras.	Fathel Barry.
Alexander Robertson.	Brigand.
Rupprell.	Victoria.
Hamood.	Koorovic.
Caroline (Do.)	Dadaly.
Sophia.	Coringa Packet.
Lady Grant.	Olive Branch.
Katier.	Wave.
Corsair.	Lancaster.
Droning.	Ceratic.
Roopaulny.	Solomon Shaw.
Yatch Prince Rigent.	Memnon.
Asia.	John William Dare.
FRENCH.	PORTUGUESE.
Laadele.	Brig (War) Cassador Africao.
Harsingar.	Brig Simplicia.
Lodene.	Brig Novo Viagente.
Hanoushaw.	
Shawan Shaw.	
Earl of Balcanar.	
Reliance.	
British Merchant.	
Hope.	

Military Arrivals and Departures.

ARRIVALS.
March 28th.—Asst. Surgeon Robert H. Davidson, I. N., from Persian Gulf.
do. 29th. Surgeon G. Knox, H. M. 6th Foot, from Ferozepore.
do. do. Cadet G. Cooke, 3d Drs., from Kurnaul.
do. do. Lieut. J. D. Moffat, Bengal Cavalry.
do. do. Capt. W. C. Harris, Engineers, from Poona.
do. do. Lieut. J. C. Hartley, Comms., from Poona.
do. 30th. Lieut. Edward Wood, 12th Regiment, N. I., from Cutch Bhooj.
DEPARTURES.
March 29th.—Major Raitt, Queens Royals, to Deesa.
do. do. Major Genl. B. Kennett, to Neilgherries.



CORRESPONDENCE.

TO THE EDITOR OF THE BOMBAY GAZETTE.

DEAR SIR,—Though I almost despair of any good resulting from the measure, I obey your call for an account of the Calcutta Mechanic's Institute. It was established in either May or June I forget the precise period, of the year 1839; and the opening lecture delivered by Mr. G. W. Johnson, a member of the Calcutta Bar. Though the number of members at first was not great, yet as soon as people began to see the utility of the institution, it acquired considerable popularity, and I believe I may state, without fear of contradiction, that the number of Members at present does not fall short of two hundred; and among these there are a few of the first names in Calcutta. The annual Subscription is five rupees. The library though not very extensive contains mostly valuable Scientific works, and was I think founded primarily by donations from individual Members. The Mechanic's School, a branch of the institution, is attended by between forty and fifty Scholars, some of them adults. Lectures are delivered once a week and this rule is adhered to as closely as possible. The subjects are in general, Astronomy, Natural Philosophy, Agriculture, and Chemistry.

The Schools are open three evenings in each week; and the reading room open to members every day from 10 A. M. to 5 P. M. The above is a general outline of the working of the institution; of its uses I need not say much, they are nearly self evident. Perhaps you will be inclined to think with me, Mr. Editor, that a boy learns and retains better truths imparted to him and exemplified by experiment, than if the same truths be placed before him in the dry uninteresting form of a prose lesson. With adults we know that this is almost the only mode of conveying instruction, for at

maturity the mind is so fully occupied with the every day cares and business of life, and is moreover so unobedient, that it will not and in fact cannot descend to minutiae; it will not take the trouble to go up the ladder step by step, but discouraged by its apparently interminable length generally descends again after taking one or two steps. It is not however unwilling to receive aid, and if any kind genius will but lend it a helping hand it resumes courage, and mounts rapidly enough. This kind genius I take to be an experiment or practical demonstration.

Yours Obediently,
A MEMBER OF THE CALCUTTA MECHANIC'S INSTITUTION.

P. S.—In my next, if you are willing to suffer the infliction, I'll give you a plan favorable to the establishment of a Mechanic's Institution at this place, and enter into details which would now occupy too much space.

TO THE EDITOR OF THE BOMBAY GAZETTE.

SIR,—I have only this day seen your paper of the 15th instant. As you are pleased to give a list of my services contrasted with those of Doctor Brown, and to pass some comments on the same, I beg you will connect some parts of your statement, and fill up others.
It is of no consequence to what Cruiser I was appointed, further than as it might show on what services I was employed. It was the *Vestal* not the *Mercury* I was employed in, and as on her second trip while I was on board, she was the Commodore Ship on the way to Arabia, it followed that my duties were not of the lightest kind, as I had to attend wherever and whenever called on, in any Ship that had no Surgeon on Board—again in Arabia I was sent on shore to take charge, with a most defective establishment, of fully 250 sick and wounded Europeans and Natives—giving me occupation from 6 in the morning till 8 in the night, with scarce time to swallow my food—and nearly lost my life by it.

Had you looked a little more narrowly into the G. O. you might have discovered that I was, either in June, or early in July 1825 relieved from charge of the European Regiment by Surgeon Don—I was appointed it is true to the Civil Surgeoncy at Sholapoor, but remained with the European Regiment at the request or wish of the Medical Board. I may here state that I had charge when I joined, of the sick of both Regiments 125, and many of them bad cases—not quite a sneer let me tell you to begin with. Further I have had considerably more to do with European sick at this station than you are aware of.

As to the appointment being one of selection, it is unnecessary to mention it. Every one knows that the Honorable the Governor may place whom he pleases in it. It is quite a different question whether it is disheartening to the Service, to see the Seniors passed over in favour of the Juniors. Alas I ask where you have learned that there are no complaints.—You are nearly correct in that assertion, however. We dare not complain—all that we can do is to represent, and it belongs properly to the Senior of those who are passed by—to do so, in the first place, he has done so and has had his answer.—Disatisfaction is a very different thing, I leave you to inquire into the extent of that.

It would have been but fair to have added an item to your parallels, containing the amount of emolument which we have each received—and to extend that a few spaces below me.

I believe it would stand of late thus:
Duncan—674-1 } Brown's Salaries Rs. 2,100
per mensem.

The European General Hospital is as the *Times* stated the highest acting that is giving exercise to professional practice. . . . The system and discipline of an Hospital is very easily learned—the Apothecary and Steward are fully and most minutely acquainted with that.—The Surgeons paramount duty is to cure the sick, or alleviate where he cannot cure—other things are easy enough.

Whether I have been hardly dealt with or no is a matter of opinion, and I must not discuss it—but it is true that many of my juniors are in the receipt of much higher salaries, and salaries, which on a temporary absence they forfeit only half of while the whole of my smaller item is withheld from me on a similar contingency.—Thus there are two items of difference, the distinguished nature of the appointments and the compensation for time and labour and responsibility.

I am Sir,
Your's obediently,
ALEX. DUNCAN.

Dapoolie, 26th March.
P. S.—Your correspondent of the 24th hopes the head of the Hospital may not often be changed: I believe there have been only 3 changes of the Officiating Surgeon in the last 3 months, and it requires one more for the present nominee to assume his place.

* Some trifling errors in dates are of no consequence in your parallel.

To Correspondents.

We have received a letter signed "LUCRETIA." If the Lady will favor us with Mrs. A. B.'s proper address we will insert it, as otherwise the Ladies who may wish to honor the Ball with their attendance may send their Poems with chits roaming about the Fort in vain.



"Nothing extenuate, nor set down aught in Malice."

THE GAZETTE.

Wednesday, March 31, 1841.

ARRIVED March 29, Barque Memnon, J. Speed, Master, from Tutocorin.

rine 24th February; Do. 30, Barque John William Dare, J. Shepherd, Master, from Siam 7th February.—Passengers: Mrs. Shepherd and Child; Do. Do. Brig Rossamea, A Keith, Master, from Newcastle. Spoke the Ship John Hayes, off London in Lat 8 deg 39 m. Long. 77 deg. 50 m. East, found the Captain had died 14 days since, that they had no navigator, when I was obliged to send the Chief Officer to take her to Port; 30, H. C. Steam Vessel Enterprize, Captain C. H. West from Calcutta 10th and Cochin 26th Instant.—Passengers.—Mrs. Timins, Mrs. Lyall, C. Lyall, Esq.—Timins, Esq. J. P. Grant, Esq.—Newcomer, Esq. Lieut. 1st Lieut. Reitz, Esq. J. B. Scott, Esq. R. B. Brown, Esq. and J. Thompson.—Spoke the Ship Lord Auckland from China 15th February and Barque Adelaide from Siam.

Our Overland Dispatch will be delivered at an early hour on Thursday morning. Among other extracts it will contain all the proceedings in the Supreme Court in the Case of Contempt up to the present day. Non Subscribers who may require Copies are requested to forward an early application for the same.

WE are enabled to state that there is no foundation for the report of H. M. 17th Regt. having received orders to hold itself in readiness for service. We have also been given to understand that a very high authority has declared that no more of the Regiments of Bombay Native Infantry can be spared, the men in Garrison in Bombay already have only one night in bed which is very hard upon poor Jack Seapoy.

WE have received intelligence from General Brooks' Force up to the 10th instant. He was still at Kujjuck, the Scinde irregular Horse had been sent to Shikarpoor. It is stated that General Brooks is to go no further than Quetta which would give reason to suppose (as the Calcutta papers infer) that no hostile movement is expected on the part of the Persians towards Candahar, but that they will content themselves with Herat. General Nott will we hear be the fortunate man if they are to be driven from thence, which we can scarcely doubt as they would be unpleasant neighbours for Shah Shoojah, and moreover Kamran may find too late that he has invited disagreeable guests.

Bengal papers to the 20th instant and Agra Ukhbar to the same date have been received.—The former contain nothing particularly interesting. In the latter, "the reason assigned for the flight of Major Todd from Herat, is, his refusal to continue to Yar Mahomed the stipend of 25,000 per annum, allowed by our Government, and the threatening imprisonment to then Major if he dared to stop the allowance,—the Major it appears left the place with thirty followers."—"The Punjab was in statu quo, but Troops were still being moved towards the Frontier. From the constant addition of Troops, to this advance Force, we suppose that ere long we shall be meddling with the Government of the Punjab, as it is not at all likely that John Company would at this inclement season of the year, concentrate so large a force to protect his own frontier without he intended to make an advance. At present the Sikh Army appear to be the only Governors and the French and Italian officers are watched and regular Detenus.—Some vigorous hand must be stretched over this lawless soldiery or they will give up the land to pillage and flame. In such a crisis we have a right to interfere, Shere Singh is evidently unable to controul the violent spirits by whom he is surrounded and from

all we have heard seems to have none of the qualifications for an absolute Asiatic Monarch. Sunk in debaucheries as he has been represented to have been for years, his mind must be enervated and unstrung. It is probable that some soldier of fortune like Runjeet will arise, and if permitted by us may form a new dynasty. In our opinion this would be more to be desired than the actual possession of the Punjab by the British, if we secured good commercial treaties. However if we are forced into a war of course we must do the best for ourselves, and if in addition to all our other acquisitions we are to get the dominion of the Sikhs, we can only trust that it may be as much for their advantage as ours, and that under us they may enjoy that peace and protection to which by all accounts they are now entire strangers.

A Bombay "Government Gazette Extraordinary" was published yesterday which we have reprinted and which we have no doubt will give universal satisfaction to the whole Army. The detachment of the 5th (the old Kalee Pultun) and the gallant Captain Brown and his Comrades Lieutenant Erskine and Assistant Surgeon Glasse in their defence of Kahun under every privation attracted the applause and sympathy not only of the whole Indian world, but their conduct has reached the shores of England and met with the praise it merits. Kahun is a highly honorable addition to the colours of the gallant 5th, and so long as the events in Scinde are chronicled will the name of Kahun and its defence be triumphantly quoted in its records. We are highly gratified to see also that the conduct of the detachment is to be specially brought to the notice of the Court of Directors, and we trust that body will remember the names of Brown, Erskine and Glasse, whenever honors or substantial rewards may be placed at their disposal.

Government Notification. SECRET DEPARTMENT. Bombay Castle, 29th March 1841.

The Honorable the Governor in Council having recently had under his consideration a Narrative of the proceedings of a Detachment of the 5th Regiment Native Infantry and one 12 pounder Howitzer in charge of Lieut. D. Erskine of the Artillery, in defence of repeated attempts of the Enemy to dislodge them, has the highest gratification in publicly recording the high sense he entertains of the distinguished services of Captain Brown and the Detachment under his Command.—In maintaining this post, Captain Brown has reported to Government, that he was most ably seconded by Lieutenant D. Erskine, of the Artillery, and by Mr. Assistant Surgeon Glasse, who was in medical charge of the Garrison.

Notwithstanding the critical position in which the Garrison was placed, and the privations to which they were exposed, Captain Brown nobly refused to surrender the Fort until the last extremity, and then only, after he had secured for himself and brave Comrades, a safe retreat, with all the honors of War. The Governor in Council believes, that there are few instances on record, where under circumstances of such great discouragement, a dangerous and harassing service, attended by severe privations, has been performed with greater cheerfulness, or with a more zealous devotion to the public service.

In order to testify his admiration, of the gallantry, prudence, and perseverance, which distinguished the conduct of Captain Brown in the defence of Kahun, and the fidelity and bravery of the Officers and Men under his command, the Governor in Council, with the sanction of the Right Hon'ble the Governor General of India in Council is pleased to direct:—

First.—That in consideration of the honor conferred on the 5th Regiment Native Infantry, by the conduct of the Detachment of that Corps, in the defence of Kahun, this Regiment shall be permitted to have "Kahun" inscribed on their Colours, and borne on their appointments.

Second.—That in consideration of the losses of the Detachment, arising from want of Carriage and other causes, a Donation of six months Batta shall be granted to the Survivors of the Garrison of Kahun, and the Heirs of those who fell in its defence.

Third.—That this order be read at the Head of every Regiment of the Army of this Presidency, at a Special Parade to be held for this purpose.

The Hon'ble the Governor in Council will likewise have great satisfaction in bringing the distinguished services of Captain Brown and the Officers and Men, who composed the Garrison of Kahun, to the favorable notice of the Honorable the Court of Directors.

By order of the Hon'ble the Governor in Council.
J. P. WILLOUGHBY,
Secretary to Government.

WE are sorry to find that in our report of Sir HENRY ROBERT'S speech of Saturday last, a very important paragraph was omitted through the carelessness of a copyist. We give it and will take care that it appears in its proper place in our Overland Dispatch. The passage is as follows and comes between the words "attack on me when upon the Bench," and "Such was the avowal of the very Counsel."

"That, therefore I should not consent to take the petition off the file or refrain from what I was anxious to do namely enter on my defence and state the reasons for my conduct, although had the application been differently framed I should have allowed it to pass unnoticed. Still the counsel for the parties could say nothing to remove the impression, and ten days ago in open Court he declared it was not in his power to say he had believed I was wrong, in concluding the motion was brought on as an attack on me when upon the Bench."

A Special Ecclesiastical Court was held yesterday at 2 p. m. The Chief Justice on taking his seat on the Bench addressed Mr. Cochrane as follows:—

Chief Justice—"After I left the Court on Saturday last, I was informed that you had said at the conclusion of the case 'That you would not allow your clients to make any apology' but I was at the same time informed that it was believed that the words were not intended to reach the ears of the Court, if they were not I shall only say I will not proceed further in this matter, but if they were intended for the ear of the Court, I should request that you would say so. I will read to you the words as reported in the *Courier* of this day, 'I do not feel myself justified in allowing my clients to make any apology.'"

Mr. Cochrane.—My Lord, I cannot take upon myself to affirm that each word is correct, but undoubtedly the substance is correct.

C. J.—Mr. Cochrane, I ask you whether the words you used, as above mentioned, were intended to reach my ears.

Mr. Cochrane.—I can only say my Lord, that whatever I utter as Counsel in a Court of Justice, I intend for the ears of the Judge.

C. J.—Am I to understand Mr. Cochrane that you uttered the words ascribed to you.

Mr. Cochrane.—Yes my Lord, as alluded to in Court.

C. J.—If you say you were not instructed by your clients to say what you did, I will not hold them responsible for any indiscretion of Counsel.

Mr. Cochrane.—I am not prepared my Lord to admit, such indiscretion.

C. J.—Very well then I will read my notes, and if I have misunderstood you in any manner, I shall be glad if you will set me right.

"On Saturday last the 27th instant when certain of the Proprietors of the *Bombay Times* and *Bombay Courier*, were before this Court, my attention was not called in the first instance, as it should have been to the fact that by Affidavit the Proprietors respectively disclaimed all knowledge of the articles in question. Hence the matter was unnecessarily argued, for had I seen the disclaimers in the first instance, I should at once have exempted all parties from further annoyance. But the matter was argued, and in such a way as led me to suppose a pertinacious and hostile course had been intended. Subsequently and when I had ordered that rules to shew cause against attachments should be issued, my attention was directed to the disclaimers in the affidavits and being anxious to shew every attention and forbearance towards the gentlemen interested, I discharged the rules. I was not at the time aware their Counsel had most unnecessarily and improperly alleged 'that he would not allow his clients to make any apology'; most unnecessarily because not one word had been said by me about an apology being required to accompany the disclaimers, most improperly because being uncalled for, it was an unprovoked hostility towards a Judge who had shewn every anxiety to relieve the parties from the situation in which they were placed. After I had left the Court I was informed the expression had been used, but not having heard it, I concluded it had not

been intended for my ear, especially as I was told it had not been so intended, I mentioned the subject however in Chambers yesterday morning, and observed amongst other things that the disclaimer was not in law an excuse, but that I might still have held the parties liable for the publication of which they were Co-Proprietors, Co-publishers, and from which they derived a profit. As the parties by their Counsel have offered this unprovoked hostility, as their Counsel has this day avowed it, and as it has been deliberately published in the *Courier* Newspaper of this day the publication of which is proved by the affidavit of Ballcrustna Cassinathjee having the said *Courier* Newspaper thereto annexed, it would ill become me to show that forbearance I had wished to manifest, and accordingly on reading the affidavit of Ballcrustna Cassinathjee with the Newspaper called "*The Bombay Times and Journal of Commerce*" of the 3rd March thereto annexed, on reading the article in the said Newspaper beginning with the words "At the request of Messrs. Forbes and Company" and ending with the words "A society of Gentlemen," on reading the affidavit of Burjorjee Nasserwanjee filed on the 18th instant, stating that he believes the several persons therein mentioned are respectively Proprietors of the said Newspaper, on reading the order made on the 18th of March instant, whereby it was ordered that Charles Binny Skinner should attend at the Court on Saturday the 27th inst. to answer for publishing or causing to be published the said article unlawfully and in contempt of this Court, on reading the affidavit of the said Charles Binny Skinner filed in this Court on the 27th inst. and on hearing Mr. Cochrane who was Counsel for the said Charles Binny Skinner on the 27th instant and who admits that he did on that day express himself to the substance or effect in a certain Newspaper called the *Bombay Courier* of the 30th instant in that behalf set forth namely "that he would not allow his clients (meaning amongst others the said Charles Binny Skinner) to make any apology for the publication of the said article in the said Newspaper of the 3rd of March, and that the said expressions were intended to be heard by the Court, and on reading the affidavit of Ballcrustna Cassinathjee sworn and filed this day and the article in the Newspaper thereto annexed beginning with the words "Supreme Court Ecclesiastical Side Saturday 27th of March 1841" and ending with the words "no further proceedings in this matter." It is ordered that an attachment do issue against the said Charles Binny Skinner for publishing or causing to be published the said article in the said Newspaper called "*The Bombay Times and Journal of Commerce*" of the 3rd of March instant unlawfully and in contempt of this Court. Unless good and sufficient cause be shown to the contrary thereof within four days from the service of this rule.

The like order is made with respect to Harry George Gordon, Thomas Calder Stewart, Frederick Maitland Davidson, Thomas Cardwell, Thomas, Robert Richmond, William Mackie, and John Alexander Russell, also with respect to Thomas Wingate Henderson, Henry Fawcett, Robert Wigram Crawford and Humphrey Francis Beaden.—The Court will sit again on Monday next for the adjudication of this matter at 11 A. M.

THE United Service Gazette has the following Paragraph in reply to a statement of ours. We give both Paras. together.

"We have reprinted the above article merely to give an unqualified denial on the part of the present Proprietor to the statement that the *Gazette* was ever offered to be sold to one of the late Proprietors of the Paper since it came into the present hands. Many offers have been made, and among others a person who stated himself to be a relation to one of the Proprietors of the U. S. *Gazette*, made a distinct offer to join that paper with the *Gazette*, and issue it as a daily paper, which was instantly refused."—*Gazette*.

"We made two assertions; one of which we suppose is confessed to; with respect to selling the paper, the other assertion, all we know is, that a respectable solicitor applied to one of the former Proprietors of the *Gazette* to buy it again, and we dare say he did not make the offer without being advised to do so, by either the Proprietor or some quasi Proprietor of the *Gazette*. With respect to what is said about a daily paper, &c., we think some one must have been bantering the *Gazette*, or taking a joke out of him."—*United Service Gazette*.

We now call upon the U. S. *Gazette* to state who the respectable Solicitor is who applied to one

of the former Proprietors of the *Gazette* to buy it again? Because we again unhesitatingly say that no person ever had any authority to make such an offer, and we are not inclined to tolerate an unauthorized meddling in our affairs, nor an attempt to injure the *Gazette* Press by statements that it has been hawked about which have no foundation in truth. With respect to our statement, we can name the person who made the offer to coalesce the *Gazette* and *United Service Gazette* if required, and he plainly stated that he came on the part of the Proprietors of the U. S. *Gazette* to make the offer.

CALCUTTA.

FRIEND OF INDIA MARCH 18.
MONTHLY RETROSPECT.—In drawing up the monthly retrospect for the information of our friends at home, it is matter of regret that we have no additional intelligence of communique regarding affairs in China. Our latest arrival from thence is still the 24th of January. Of the events which have transpired after that date, we have no notice: and we are unwilling to indulge in conjectures to which our past experience would give only a melancholy hue.

In the Punjab, affairs are gradually ripening for the establishment of our paramount influence. Shere Singh has re-ascended the throne by the aid of his soldiery, who are less under his control than he is under theirs. He appears to be unable to curp their license. The Queen whom he deposed, has been brutally wounded by his chiefs in her attempt to save the life of one who sided with her in her prosperity, and who was cut to pieces in her presence. It is said that her own life is in danger. Of those who espoused her cause, some have been confined, others have been put to death, and the rest have been proscribed. Vengeance is the order of the day; but whether this arises from the impulse or the impetuosity of the King, it is impossible with our imperfect intelligence to ascertain. General Court, a soldier of Austria, and by far the ablest of the French officers who took service with Runj or Sing, has been a second time obliged to fly, for his supposed adherence to the cause of the Queen. He has been pillaged without mercy by the party of the victor. General Ventura is in high favour, having been among the first to join the standard of Shere Singh; but he is sitting on a volcano. It is evident, that all the foreign Officers wish themselves and their acquisitions safely out of a country, where life and property have ceased to be secure. An addition has been made by Shere Singh to the number of his troop, and as such step can scarcely have been dictated to him by his refractory soldiery, it is conjectured that he has himself not over friendly to a British alliance. On the other hand, it is stated in the public journals, that he has solicited the assistance of the British Government to support his throne; and that any interference on our part, will be made in his favour. General Lumley has left Calcutta, travelling past, to assume the command of the army assembling on the frontiers of the Punjab, on the banks of the Sutledge, and various corps are, it is said, proceeding to the rendezvous of Ferozepore. In the present temper of the Council of India, this will probably be only an Army of Observation, intended to follow, not to command even. The principle on which Government appears to proceed in reference to the Punjab, is to postpone to the last moment the adoption of a vigorous and armed interference. But events seem to be marching with so rapid a pace, that the determination to act or to refrain, will not long continue at its disposal.

In Nepal, matters appear to remain in statu quo. The diplomacy of Mr. Hodgson, the Resident, has been severely taxed to maintain peace. The factious party in the state, which has been employed in urging the country into a war with us, has been mastered by the paramount influence of our counsels in that Cabinet; but it is still engaged in efforts to disturb the harmony which has been established between the English and the Nepalese Court; and it is not certain that any supposed embarrassment in our affairs elsewhere would not bring down the Nepalese on our provinces. Our position in Nepal and the Punjab, differ in this respect, that in the former, the simple abstinence from warlike counsels would be sufficient to preserve peace. In the latter there must be also a concurrence in our views, and the uninterrupted permission of a high way for our convoys, to prevent immediate collision. The chances of a rupture with the Punjab, are therefore greater than those of a rupture with Nepal; though there can be little doubt that the one would lead to the other.

The last intelligence from Scinde is unfavourable. Our troops have experienced a second reverse at Seebee. Several officers were killed and wounded, and the detachment, supposed to have been twelve hundred strong, is said to have been repulsed. General Brooks, the commandant in the province, came upon the town soon after, and found it evacuated. This disaster is likely to give heart to the insurgents, and to retard the pacification of the province. After various contradictory rumours regarding the surrender of Nasser Khan a lad of fourteen, the nominal head of the insurrection but in reality only the puppet of the chiefs, he is at length reported to have placed Col. Stacy in confinement, and bid defiance to our authority. It is manifest that the settlement of upper Scinde, with its wild, lawless, poor and brave highlanders, will be the most difficult part of the expedition beyond the Indus, and that the subjugation of it must be the work of years, and will cost infinitely more than the country is worth. But we have crossed the Rubicon, and cannot return. Thriftless as our enterprizes in Scinde may be, they must be

persevered in, for any relaxation would be attributed to fear; and the mere suspicion that such a feeling existed, would create new enemies in every direction.

From Herat, a variety of rumours have been propagated, within the last month, of the approach of a second Persian army, at the special invitation of Shah Kaman, or rather of his minister Yar Mahomed. All those who have any knowledge of this Mayor of the Palace, unite in conceding to him the distinction of being the first scoundrel in Eastern Asia, which is certainly saying a great deal in a region where morals are at so low an ebb. That he is most unfriendly to our possession of Afghanistan, and that no villany can alarm his conscience, are facts which no one will controvert. The invitation of the Persians, in violation of the engagements of a solemn treaty with us, is what the character of the man has long since rendered probable. The latest intelligence is to the effect that Major Todd, the British representative at that Court, has fled with a small body of horse on the threatened approach of the Persians. It is scarcely to be supposed that he would have deserted his post except in the last extremity of danger; and the fact of his departure requires confirmation. But if he has been obliged to retire, our work beyond the Indus must be consummated by the occupation of Herat. After having at so large an expense, repaired the fortifications of that town, we cannot quietly allow it to be resigned to the Persians. The departure of our envoy from Herat, would materially compromise our position beyond the Indus; and undo much of that we have spent three millions sterling in doing. Looking around on all sides, there appear to be elements of new commotions; and many years must elapse, many new enterprises must be undertaken and successfully completed, and many a proud crest must be humbled, before we can sheathe the sword, and turn to the purpose of peaceful improvements, the resources which are now held at the call of war.

MINUTE OF LORD AUCKLAND ON NATIVE EDUCATION.—The General Committee of Public Instruction, at the desire of Government, have just published a collection of Papers on Native education which demand very great attention. Irrespective of their intrinsic merits, they place before us a distinct stage of the educational scheme, which it behoves every well-wisher to India closely to examine. The series commences with a Minute by the Governor General, and a long accompanying Note by his private Secretary, Mr. Colvin. The Minute is dated from Delhi, the 24th of November 1839. It was sent to the Committee of Public Instruction on the 8th of January 1840; and they replied to it in a Report, dated the 30th October 1840, which forms the second article of the series. In conclusion we have the Reply to that Report, dated the 16th of December 1840, by the Secretary to Government. His Lordship's Minute is evidently compiled with much care and thought, and is imbued with that spirit of conciliation which is so characteristic of his public papers. It is an argument on the principles of Native education, with a variety of suggestions for practice; some of which carry us back to ground that had been abandoned, and others lead on to what is new. The Report of the Committee is a statement of the way in which they propose to carry his Lordship's suggestions into effect; and the concluding letter of Mr. Baskby shows how far their proposals have received the sanction of Government.

We intend to go fully into the consideration of the whole subject; and, in order to do it justice, we shall first republish his Lordship's Minute entire. The first part of it will be found amongst our selections this week, and we hope to give the rest in our next number. Until it is wholly before our readers, we shall not discuss its merits; but we beg that it may be very carefully perused. It does not realize the expectations we had, on a first glance, been led to form: but it is not on that account the less worthy of attention.

ENGLISHMAN, MARCH 15.

Letters from an Indigo estate in the neighbourhood of Berhampore mention that a little rain had fallen which had benefited the October and February sowings and allowed of the sowing a few thousand begans. The seasons said to promise better than for some years past.

The 32d Regt. N. I. left Dacca by water on the 8th instant, and were most unfortunate at the commencement, of their voyage. They encountered a dreadful storm and lost ten boats; and to add to their miseries the cholera in its most severe form broke out in the fleet carrying off the Sergeant Major, two Native Officers, two Havildars and sixteen Sepoys in the course of 48 hours, and 12 more men had just gone into hospital in a dying state. The 45th Regt. N. I. have lost about ten men by cholera since their arrival at Dacca, but by the latest accounts the disease was disappearing.

We are truly sorry to have to give another account of disaster in the Scinde quarter, and sorry also to feel obliged to come to the opinion—from all we as yet know of the matter—that the mortifying result has been owing to bad management, and not to an overwhelming enemy, or any mere military disadvantage. The account which we are about to give has reached us in two letters, and from those we have prepared the following detail, but of course we do not know that every particular is correct, though we do rely sufficiently on our authorities to fearlessly assure our readers, that they may confide in the main account. There is a place called Seebee which our readers who have a map of that part of the country will find from thirty to fifty miles to the east of Dacca; and to this place, which is the principal hold, or city, the Kujjak tribe, we believe, General Brookes sent the following motley detachment, under Lieutenant Colonel Wilson of the Bombay 3d Cavalry, to demand the still due last year's tribute, amounting, we hear, to some two lacs of rupees. We pick out the composition and probable strength of the detachment from both our accounts of the affair (and we suspect that, between them, we have obtained a pretty correct detail) consisting of a troop of Horse Artillery, the above cavalry regiment of Scinde Horse under Cartis, a detachment of Skinner's, a couple of companies of the 2nd Grenadier Regiment, under Captain Rollings, four Companies of the 20th Bombay N. I., and a party from the 23rd, the whole commanded by the aforesaid Lieutenant Colonel Wilson. We should think that the aggregate account of this detachment could

not have fallen short of twelve hundred men, and it has, in plain language, been *beaten* by the undisciplined hordes whom it was sent to coerce. Very full details are not before us, but what we collect is that the party got entangled (the fault we should say, of its commander) among houses and walls, in a place which seems to have been better defended than attacked. Two officers were killed—their names Lieutenant Creed, of the Artillery, and Lieutenant Falconer, of the Grenadiers—and Colonel Wilson was so severely wounded that it will likely prove mortal, and also Lieutenant Shaw of the Commissariat was severely wounded, and some forty of our men put hors de combat in a short space of time. The enemy are officially said to have suffered a far heavier loss, but that as it may our troops have failed, and when they were withdrawing from the place, the enemy again opened upon them, and the result was that the second in command, Captain Rollings, withdrew the whole detachment to a distance; but we hope he has so arranged as to invest the place so as to prevent the success of any attempted escape on the part of the Garrison, for he seems to have had cavalry enough for that purpose at all events. General Brookes with his whole force was at a place between forty and fifty miles distant from the scene of this mishap, and was to have marched upon it as on the 21st ultimo, and when we learn the result of his attack (which will surely be successful) we shall lose no time in laying it before our readers. In the meanwhile we cannot but think it strange that the settlement of this tribute claim was left unaffected throughout the favorable season, and why, when it was resolved upon, so oddly moulded and apparently inefficient a detachment—it certainly was very weak in infantry and perhaps guns too, where a Gurbee was to be attacked—was sent by General Brookes who had abundant means at his disposal to have secured the attempt from all chance of a check, the moral consequences of which will not be obliterated by subsequent successes.

We owe it to Dr. Brett to state that he is not a party to the apparently invidious publication of the results of his operations for strabismus. It appears that he has long been familiar with the science, but only very lately obtained the requisite instruments, which accounts for his operating simultaneously with Dr. Young.

From Ferozepore we learn that the whole of the Meerut troops, except one regiment of native infantry (the 17th) and the 7th Cavalry and a troop of Horse Artillery, are ordered to hold themselves in readiness for service,—but no specification of what or where. However the leave orders, published in Saturday's Gazette, have already shown us that both the Kurnaul and Meerut troops were to be kept ready for the field, but their immediate active employment is a point upon which the Governor General is still (unwisely, we think) hesitating.

Now that that the Court-martial on Major Smith has terminated its proceedings (we do not think it at all likely that there will be a revision) and that it is about to come under the consideration of the Commander-in-chief, there is one point involved in it to which we would once more respectfully but earnestly solicit His Excellency's attention. It is not a point which has the slightest connexion with, or bearing on, the merits of the case (if it had we should not now moot it) but a point of law which may, according as it is determined, vitiate or be of no consequence to the trial, and which may, from this precedent, arise with future courts and occasion either doubts of the law, or a disregard of it, which it were alike inexpedient and improper not to obviate. What we allude to is the compliance with the distinct terms of the statute that 'no proceeding or trial shall be had, but between the hours appointed by the officer commanding where the court-martial is held.' We are not again going over our former arguments on this question, as our present object is but to draw attention to the point itself in order that the correct procedure may now be once for all, established for the guidance of the whose service; but we think there can be no doubt that whether the aforesaid provision of the statute act be a wholesome one or not, it must be obeyed so long as it is not repealed, or otherwise no accused person can be lawfully punished by a court-martial. In the case of an acquittal, the legality of the proceedings may not be a matter of such consequence as in the opposite event it undoubtedly must be deemed—for then the investigation may be considered as but tantamount to that by a court of enquiry—but no lawyer will say that a penalty can be inflicted under any criminal law, if the provisions of that law be not strictly complied with. In this respect the Commander-in-chief at the Cape, Sir G. Napier, erred in the case which we published a few days since, in requiring a sentence of cashiering in virtue of a specific article of war, though the court had not specifically found the prisoner guilty of that part of the charge (or rather the inference from it) which contained the words of the article—but this by the way. In the case to which we now endeavour to secure consideration, the error—or what we have alleged to be such—of the court's assembling at an hour which was not between any hours appointed by the prescribed authority, was particularly rectified, after, on the third day's sitting; but as the court had been originally instituted, by being sworn in as a court, at a time which had not been legalised by a due observance of the statute, we think considerable doubt may be entertained whether a mere return to the statutory provision, which could not rectify the first mistake, is enough to render the court, ab initio, a legally constituted tribunal. It is true, neither of the parties objected to the course pursued, but we apprehend that the acquiescence of parties cannot cure a judicial infraction of an act of Parliament, nor render proceedings taken before an illegally constituted court, other than proceedings *coram non judice*. The present court's assembling legally on the third day, does not remedy the defect of its illegal formation on the first day; any more than if the swearing in had been forgotten on the first day, its being done on a subsequent day would have legalised the previous proceedings. Suppose the officer commanding in Fort William had appointed the period between eleven and three o'clock for the court's sitting, and suppose he had nevertheless assembled at six in the morning and sat still four P. M.—no one will say that that would have been legal; and yet it would be just as much so, as it's sitting without his appointment of the extreme hours, when that is a condition laid on by the statute. Suppose the general order for its assembling had specified the third of the month as the day on which it should first meet, and suppose it had met on the second, would that have been legal? Certainly not, and yet with more reason is a non attendance to the time of the day objected to, because there is a specific provision for that in the act of Parliament. We venture to assert, that if this had been a life and death case, and the prisoner been sentenced to be hanged or shot, the Commander-in-Chief and

Government would not have dared to have executed the sentence; and on a like principle even an adjudged reprimand cannot be inflicted,—and an acquittal cannot be based upon any legal judgment.

ENGLISHMAN, MARCH 16.

We commend the following article from this morning's *Hurkaru* to the attention of the Jesore residents, who may be in any degree acquainted with the facts of the case. Concealment now is not only criminal but absurd:—

On the 12th instant, the *Englishman* published a rumour that had reached him, of a lady, at Jessore, having been brought to an untimely end, by the violence of her husband. Some further rumours of the affair have reached us, and if only one half of what we have been told be true, a more brutal and systematic murder never was perpetrated. The rumours current among the Planters of Jessore, are, we are told, that the brutal husband, in consequence of some offence given him by his wife, had for several months, been in the habit of constantly beating her in a most barbarous manner. That she had pined under the ill usage she was subjected to, and finally expired—either while her murderer was beating her, or shortly after she had suffered such an infliction from him. That on a post mortem examination, by the friends who came to administer the last rites to the unfortunate victim, her body exhibited innumerable marks of extreme violence; and that, upon the brutal husband being remonstrated with, on the subject, by a friend, he had written to say, that he had not behaved half cruelly enough towards her!

The above is a qualified statement of the substance of the rumour, said to be generally current in Jessore, and which have found their way to Calcutta; yet the magistrate of the district, apparently, knows nothing about the matter!—not a single individual seems to be cognizant of the duty the law of the land demands (in this case) of the society of gentlemen, has been left at liberty, to roam whither he pleases, and declare, that in beating his wife to death, he had not treated her half severely enough!—no legal inquiry has been held over the body of the murdered lady, which has been quietly consigned to the tomb, where, long ere this, decomposition obliterated all the traces of the ill usage she has suffered, which might have been adduced as evidence against her murderer. We know not what portion of truth there is in the statement that has been made to us; but of this we are sure—that, whether true or false, the parties who have given origin to the rumours in circulation, have been guilty of a gross libel; and if the tale be true, they have not only perpetrated a libel, but likewise rendered themselves *particeps criminis* accessories after the fact, to a heinous murder; and if brought before a legal tribunal, they will not only be afforded a practical illustration of the adage—'the greater the truth, the greater the libel'; but be tried for their lives, in aiding and abetting murder, by not acquainting proper authorities with the circumstance, when it came to their knowledge. It behoves the magistrate of Jessore, to make immediate and diligent enquiry, on this subject, and in the hopes that the affair will be thoroughly sifted, and only a punishment visited on the guilty party, we shall, for the present, refrain from any further notice of the subject.

We omitted to mention, in giving our Scinde news yesterday, that we were not in possession of the actual date of the unfortunate occurrence, but taking the date of one of our letters as a guide, we should say that it must have taken place on the 18th or 19th ultimo,—but the *Hurkaru* will probably ascertain that particular, a week hence, via Bombay, and then embody it in a fresh account as news. He finds from his last Bombay papers that General Brookes was ordered to push on to Herat, but the General seems to have found different employment for the present, and we suspect that if the army move up the Pass towards Shawl, the step will be a signal to various predatory tribes of Beloochees, especially the Brahooes, to commence their plundering campaign for the hot season. Our own letters from Scinde inform us that the final terms offered to the Horat ruler are that he shall pay a tribute to us of three lacs per annum, and admit a permanent Garrison of our troops, and that six or eight thousand Bombay troops are to move immediately up the Bolan Pass; but we are not disposed to place full credit in this account, for it does not tally with our information from other sources, and besides that it would be an ill judged measure, a very much doubted truth of the report, which we know the Scinde politicians received (indeed we were the first to give it as received by them) of the march of a Persian army towards Herat, as the invitation of Yar Mahomed, though we feel no doubt at all that the notion of our obtaining tribute from Herat is altogether farcical. The accounts of the Persian movement reached Scinde from a quarter that might have seemed to the officials there to be very excellent authority, but the enterprise is not one which we can bring ourselves to suppose that the Persian would be fool enough to undertake, and we rather surmise that Government does not place reliance on the rumour. With respect to the reported move of a Bombay force upwards, however we believe we are quite right in saying that it is intended to occupy all our positions eastward of Candahar, Quetta, and Khetlat inclusive,—with Bombay troops ultimately; but when our Scinde friends tell us they are all on the qui vive, expecting orders to march upon Herat, in consequence of the late report from that quarter, we must endeavour to allay their excitement by telling them that, whatever their local Politics may wish, the Governor General can have no desire to send troops thither, in a state of affairs which would not politically justify any such advance. Perhaps we cannot find much fault with—at least there may be extension for—the Scinde politicians placing such ready belief as they appear to be doing in the information transmitted to them by our Agent at Herat, but we apprehend that the soberer and more reflecting Calcutta Cabinet will not prove equally credulous with respect to his accounts of Persian armies moving in that direction; and we may take leave to say that in transmitting such alarming accounts, with the stamp of his own belief upon them, he is evincing a want of judgement, discernment and discretion, which does not enhance the value of a diplomatic character.

The kindness of our Scinde friends enables us to now give to our town readers the result of the Seebee business, and the further knowledge we have thus acquired only confirms our opinion that there was very bad management in the organization of the detachment for the required service, and no perhaps, a very skilful conduct evinced in the attack,—but on this point we would speak with reserve at present, not only because we have no details of the attack itself before us, but because the Commander is, we fear, by this time no more, and there was any mismanagement before the place the responsibility was personally upon him. It appears that, as we intimated yesterday, General Brookes, on hearing of the failure, lost no time in marching, with his own force, upon the place, but when he arrived there he found the fort evacuated, and that the enemy had escaped un molested in consequence of the nature of the ground rendering it impracticable to employ the cavalry arm effectually, either for investment or interception. Our later letters make out the place to be

really a strong one, it being described as a capital mud fort, with high walls, and a wet ditch, and the adjacent ground being broken up in every direction by water courses,—just a locality in which the mounted arm is next to useless. As General Brookes must have had correct information of the defensive nature of the place—for it lay at no great distance from his head quarter—we are at a loss to account for his formation of a detachment so totally unadapted to the contemplated service, and do not see how any thing but failure could have ensued, unless the enemy took fright and run away (or, as the *Hurkaru* would say, absconded) at the bare intelligence that the troops were coming. Their eventual retreat—or let it be called flight—on the approach of a force that, they knew could not be held out against, goes no way, in our opinion, to compensate for the check officers and men; nor by any of the tribes will the ultimate evacuation of the fort be looked upon as a triumph fortunately, demonstrate to them that we can be checked and baffled.

What we have already said, upon the subject of the Persian invasion of Herat, was written upon the amount of intelligence which our Sunday's despatches conveyed to us from Scinde; but those received yesterday inform us that Major Todd had actually taken panic, and had fled—it so no use mincing words in describing such mischievous conduct—from Herat with a small party of horse, under a positive certainty (in his own flattered mind) that the Persian army was in full march upon, and near to the place; and that immediately on their being in possession of it, Yar Mahomed himself was to march on Candahar,—and in a word that Afghanistan was again to feel the consequences of Persian ascendancy! As this intelligence seems to have been implicitly believed in the Scinde cabinet, of course the siege of Herat was soon resolved upon there; and this, by accounting for the expectation on General Brooke's part that he would feel desirous to take the best part of his force with him on what knights errant would call the Herat 'adventure,' may account for his sending so very ill-framed a detachment to the assault of Seebee. The failure there, then, may on this supposition of Major Todd's extraordinary conduct; and if such an undue assumption of power be exercised by Mr. Bell and General Brookes, between them, as, in our judgement, will be the immediate ascent of the Bolan Pass, with a view to retake Herat or to protect Candahar, then the ravages which the Baloochees will make below the Pass, and the practical undoing of what has been done towards the settlement of Lower Scinde, will be some of the further evils that the Government may set down to the folly of Major Todd, in the first instance, and in the second to the want of second discretion on the part of its other agents. Our morning contemporary informed his public some time since that Mr. Ross Bell was then to be immediately 'supplanted,' by Major Outram, on a very different ground from that which we are now supposing; but though it may be needless to say that that speculation was idle, yet we would venture to predict that if he do, upon Major Todd's intelligence, he will not be much longer entrusted with the exercise of the extensive political power with which he is invested. As to the compromise which such credulity and such consequences of it might make of our present position at Candahar,—a province not yet very loyally affected—we need not here expatiate upon that part of the question; but we may safely venture to allege that as Major Todd's diplomatic conduct has been for some time past extremely ill judged, it must necessarily have been in direct opposition to the tenor of his instructions which emanated from the Government of India; whose Central-Asian policy has been wise, though its choice of political servants may not always have been happy.

ENGLISHMAN, MARCH 17.

We have been requested by an inhabitant of Chandernagore to publish the following tribute to the Governor of that settlement. It appears that Mr. Jourdain has accepted the office of Director of the affairs of Yanaon:—

'Quelques mutations viennent des operer dans le personnel de l'administration des trois comptoirs Français, Chandernagor, Karikal et Yanaon.

Monsieur Jourdain, Capitaine de Frégate, administrateur par interim, est nommé sur sa demande, chef de Comptoir a Yanaon et est remplacé par Monsieur Filleau de St. Hilaire, chef de Bataillon d'artillerie de Marine.

Ce n'est pas sans peine que les habitants de Chandernagor verront Monsieur Jourdain s'eloigner; ils eussent desiré voir long temps encore cet honorable administrateur parmi eux. Il n'a fait que passer; mais il a fait beaucoup de bien, et par ses soins, la belle promenade du gatte est arrosée chaque soir; jamais les rues n'ont été plus propres et les canaux mieux entretenus. Ces trois objets qui contribuent d'une maniere efficace a la santé publique, sont indispensables sous un soleil aussi brulant que le nôtre. Les habitants de Chandernagor lui en témoignent toute leur gratitude,—puisse à jour pendant long ues années, du bonheut qu'on éprouve en contribuant au bien être de ses concitoyens!

The following Prospectus, which reached us at a late hour yesterday afternoon, will shew what the Precursors views are, in respect to the India. We reserve our opinion upon the proposal until we have more leisure to consider it. At the moment at which we write we are up to our ears with our overland summary:—

The undersigned forming the Committee for directing the affairs of the Eastern Steam Navigation or Precursor Company, have, since their formation in December 1839 directed their attention sedulously to one object—the making the best use of the means within their reach for improving the present defective state of communication between the Eastern parts of India and Suez.

An opportunity of making some improvement in this respect, has now occurred. The India, Steamer, is in Calcutta and available for the purpose of immediately opening that communication. She is not such a vessel as they would have built for the purpose, in as much they believe that a small addition to the capital laid out upon her, would have procured a vessel better adapted for the line. But they believe that she can accomplish the distance necessary to be made good without coaling—that she may be made fit without much outlay of time or money to face the South West Monsoon and will give good accommodation to her passengers.

They also believe that if purchased at some sacrifice of her original cost she will yield a fair return for the capital embarked in her.

As a Committee of the Precursor Company, the undersigned feel that they have no right to devote the fund under their charge to any other than the one object for which they were subscribed. That object they have steadily pursued, and it will be completed by the 1st of August next when a steam vessel of the best possible construction, and combining all the latest improvements will be delivered over in the Clyde to the Agents of the Precursor Company, and will be brought here with the least possible delay. It is improbable that she can start on her first voyage from Calcutta until the month of December next.

Under these circumstances, the undersigned, as Members of the Calcutta public, associated for forwarding a public purpose without any private object of their own, conceive that it is within their legitimate sphere of action to direct the attention of the public to the purchase of the India Steamer and to getting her placed immediately on the line between Calcutta and Suez.

They think they cannot more usefully apply the information they have obtained relative to Steam Communication than by undertaking the direction of a Company for this purpose.

They beg to notify that they have entered into a negotiation with the present owners of the India which has produced an offer to sell the vessel to them for the sum of four lacs of rupees and upon 2,00,000 being paid to Messrs. Mackillop, Stewart and Company to deliver over the vessel to the undersigned who in that event undertake to let her out immediately for Suez, so as to be ready to start from this by the 15th of June next, when the communication between Bombay and Suez will be stopped.

A further sum of 2,50,000 rupees will be required for completing the arrangements of the Company, the greater part of which the undersigned propose to raise by debentures bearing interest upon the security of the vessel.

The undersigned have taken measures for an immediate survey of the vessel by the result of which they will be determined as to persevere in it or abandoning the project of placing her immediately on the line, and in the event of their persevering they will immediately proceed to organise a Company to purchase the India Steam Vessel and work her between Calcutta and Suez. In such a Company they pledge themselves to take shares to the extent of rupees 70,000, which they trust will be accepted as a security to all who may be disposed to aid the undertaking, that they will not be called upon to act on any subscription for shares without a reasonable prospect of a moderate return for the capital embarked.

The undersigned beg it may be distinctly understood that the projected Company will be entirely distinct from that of the Eastern Steam Navigation or Precursor Company, and will derive no benefit from the funds of the latter Company which are devoted to the Precursor Vessel now building for them in Great Britain.

The undersigned earnestly and confidently solicit the assistance of all persons who have really heart the immediate opening of a direct Steam Communication between Calcutta and Great Britain.

Application for shares (rupees 1000 each) or to debentures to any amount of even hundreds, to be made at the office of the Eastern Steam Navigation Company at Mr. Tait's, Old Post Office Street, or at any of the following houses of agency.

Signes by:
JAMES COLQUHOUN. J. LYALL, acting for JAMES CULLEN. LAYALL and Co. T. DICKENS. MUTTYLOLL SEAL. DWARKANATH TAGORE. RUSTOMJEE COWASJI. J. FERGUSON, acting for W. F. FERGUSON SON. W. P. GRANT. THOMAS E. M. TURNER. A. DE H. LARPERT, acting for C. E. NEWCOMEN.
Houses of Agency who will receive and register applications for shares and debentures.
BYRD AND CO. LYALL MATHESON
CARR, TAGORE AND CO. AND CO.
COCKERELL AND CO. MACKILLOP, STEWART
FERGUSON, BROTHERS ART & CO.
& Co.

ENGLISHMAN, MARCH 18.

The following letter from a friend with Col. Shelton a Brigade reached us this day. It stopped with a friend at Kurnaul for a day which has necessarily delayed its transmission.

Near Pesh, Bolak, 24th Feb. 1841.—I write to let you know that the force under the command of Brigadier Shelton which left Jellalabad on the 21st, destined for the attack of Singho Kael, arrived here this morning about 10 o'clock and are encamped about 4 or 5 miles from the first range of hills opposite the gorge of the pass. Through a lass the his may be observed covered with people, and many on the Ports, at the entrance of the pass Singho Kael is five miles within, but a number of forts are on the way which will not take long. The plan of operation intended to be adopted is not yet out, but it is said the two lower Forts on the plain at the entrance are to be occupied this afternoon, 20,000 Khyberians of the Cochee tribe have joined us, and we have with Mackeson the Political Agent they are once this gent has been plundering.

The following is Brigadier Shelton's force:—
One Sixteen Pounder,
4 of Nicholas Horse Artillery,
1 ditto Howitzer,
The Mountain train,
2 Troops of Ashle-ton's Rasseals
Her M.'s 44th Regt.
27th N. I.
3rd Regt. Shah Soojah's N. I.
Pioneer Corps, and
Ammunition ad libitum.
The Brigadier besides his usual Staff is also attended by two Volunteer A. D. C.'s—Capt. Douglass and Patton. Mackeson and the latter whilst reconnoitering last afternoon were fired at repeatedly.

It is said the chief has abandoned the Fort opposite us at the foot of the hill and gone to one further in, whether he will give us much trouble or not is quite uncertain, however, his strong hold is to fall. You shall hear again soon.

The weather for the last two days has been very unpleasantly cloudy and rainy, still continues so, which may delay us a little.

We have expressed our opinion pretty plainly that the Quedah case reflects infinite disgrace on the British Government, and that Mahomed Tunkoon Saad has been wickedly persecuted. We are ready to add that this Government has acted an ill advised and impolitic part since the arrival of the Prince in our river, but we must stop there, and decline to cline in with the *Hurkaru* the charge that it has brought against

the Supreme Court. Our contemporary has been at some trouble to lay himself open to the libel of his having charged collusion with the Government; in words he does not charge it, but we think that such is the spirit of his article, or at any rate that such an impression may be created among his readers. We think this unjust to the Judge and slightly attacking the dignity and respectability of the Court. We apprehend there are few persons in Calcutta who would suspect collusion on slight grounds; in the present instance there are literally none. The Court could have acted in no other way than it has done, could have pronounced no other decision, with the slightest regard to its character. It had to proceed according to law and in the case of the Attachment applied for against Captain Congalton and Johnson had to protect them just as much as Mahomed Taoukoo himself. The question then simply was; did their affidavits disclose enough to shield them from this summary process? The Judges thought they did, every one must think they did, who will take the trouble to acquaint himself with their contents.

Captain Congalton swore that though it was true he interpreted between Mr. Graham and the Prince that a writ had been issued, he knew nothing whatever of the nature of it, or what responsibility it might create as against himself; this we can readily believe, indeed we should be inclined to go the length of saying, as we are told the Chief Justice said, that it was highly probable he did not know the meaning even of the two words *Habeas Corpus*. With reference to Captain Johnston we hear that Mr. Graham's affidavit did not even charge him with any such knowledge of the writ having issued. But we apprehend, whether they knew of its existence or not, and if they did—whether they knew its character in detail or not, makes not the slightest difference; as it is clear that neither of them had received any legal intimation on the subject that they were called upon to pay attention to. The doctrine that a writ is in existence the moment the order for its execution has gone forth, and that the signing and sealing, the wax and parchment, are nothing, is an extremely childish thing that should hardly have been expected to be advanced much less persisted in. Carry out this doctrine and neither liberty nor even life would be safe for a moment. The *Hakkaru* thinks when the voice of the Court has uttered its fiat; the law so pronounced is in full operation. We think so too; we think as the *Hakkaru* says, not as he intended to say; we think the law is in operation; the operation of its fiat is the preparation of the writ applied for; not the rendering unnecessary the writ itself. Does the *Hakkaru* think that on judgment being given in an action for a libel or an assault, the defendant could be arrested on the spot for the amount of damages? or that upon sentence of death being pronounced, a party could be lawfully executed without a warrant? We suspect were the doctrine upheld that parties might be arrested without parchment, or seal, or signature, because the voice of the law had ordered the issue of a writ, the apprehension that the *Hakkaru* entertains in the present instance of an imprisonment going forth from the Supreme Court of Judicature in India is in collusion with the Government of India against the interests of personal liberty, to add spread from one end of the Empire to the other. And really this is what our thoughtless brother has said, for if the writ itself is immaterial in one case so it must be in all. We say then that the application for an Attachment against these parties was mere idle nonsense, and we are surprised the Court entertained it for a moment in the absence of a law which has been able to judge, we should say there is not a second opinion at the Bar that the Court came to a right decision on the subject of this last application; indeed even Mr. Thackeray himself would appear to think so, for he would hardly else have written:—“The Court, Sir, has denied me my writ of attachment in the case of the Prince Mahomed Sand, not against Captain Congalton and Captain Johnston. I did not want the process of the Court against them, but Sir, against Thomas Henry Madcock, under whose order I found, and could only so find, by their affidavits, they acted.” There will surely, to-morrow, be some correction of this passage. Not want the process of the Court against them? Was it not applied for? Was it not subsequently argued that on their affidavits it ought to issue? The application against Mr. Madcock was, according to our Reporter, a separate application, after the former had been fully and separately argued, and disposed of. And we are told it was refused, as something pre-eminently extravagant, being made on the affidavits that had previously justified the other parties proceeded against. We have every respect for the motive, and good feeling, and enthusiasm which move Mr. Thackeray, but we think him indiscreet, we think he ought not to run the risk of raising a suspicion even of the integrity of our Supreme Court upon such grounds as he has taken. Mr. T. thinks Sir E. Ryan wrong in having said that Mr. Graham swore without caution, when he put in his affidavit that Captain Johnston had clandestinely removed his prisoner—Sir Edward speaking on the strength of the affidavits of the parties—and in his letter to the Editor of the *Hakkaru* he thus writes:—

“Sir, I have not time to enter further into this case at the present moment, but this I must insist upon, your publishing in justification of the character of Mr. Ryan, the solicitor in this case, that with respect to that portion of his affidavit which Sir Edward Ryan commented upon, in which he says, that Captain Johnston clandestinely removed his prisoner and which fact Sir Edward Ryan denied, on the affidavits of the parties concerned, I have this to say—I told the Court—that when I demanded from Captain Johnston to be informed whether he had taken away my client he directly and positively, said that ‘he had no recollection of the transaction.’ Now, Sir, I have a perfect belief that my word will weigh with the Court of any man, and how can Sir Edward Ryan maintain that a man is not clandestinely removed, who is denied to his own counsel by the very man who afterwards swears that he had removed him? This is ticklish ground, Sir, and I shall tread it warily.”

This is very ticklish ground for making a charge against a Judge, and we think instead of trying to tread it warily, a wiser plan would be to remain altogether silent. Sir E. Ryan said that the clandestine removal was satisfactory to the affidavits, and Mr. Thackeray seeks to prove it clandestine by something Captain Johnston said to him after the removal of the prisoner, and which state, ent, whatever it signified, was not before the Court. How excessively weak I doubly week, because, having all else out of consideration, the refusal by Captain Johnston to satisfy Mr. Thackeray as to where Mahomed was would not necessarily prove that the removal had been clandestine. The affidavits, however, clearly showed that the removal was not clandestine; it took place in pursuance of orders issued by the Government before the writ was thought of. We are perfectly sure that we shall not be misunderstood in what we have written. We admit it is hardly necessary to say so again, the full measure of justice and bad policy that have characterised the proceedings from first to last, as far as the Government here and at home are concerned, but we cannot consent to the Supreme Court being dragged in for a share of the obloquy without the faintest show of reason.

HUKKARU, MARCH 17.

We are in the receipt of letters from Arracan, dated the 8th instant, from which we learn, with extreme regret, that Dr. Clarributt, the Civil Surgeon of Akyab, after an illness of three days, expired on the 6th inst. We willingly give our own personal testimony to the truth of the high, yet well-deserved, eulogium, which our contemporary

has passed upon him. “No event,” says the writer, “has occurred for several years in this province, which has occasioned a more universal feeling of dismay and sorrow, than the death of this talented and esteemed young man. As a member of society, he was one of the most kind-hearted, honorable and amiable of men—as a medical officer, his zeal and devotion to his profession—his skill, energy and unceasing attention were beyond all praise. Such, indeed, was the confidence, which his successful treatment of the most formidable diseases had inspired among all classes, that natives, as well Europeans eagerly sought his advice, which was ever most readily afforded to all, with the same kindness and anxiety to alleviate suffering; and all in the province now feel that in his premature death they have experienced a calamity of the most afflicting nature. His remains were carried to the grave by the sepoy of the Arracan local battalion, and followed by all the European inhabitants of the station.” There is nothing overcharged in this, as we willingly declare upon the authority of our own personal experience. Our correspondent might have added to the above that, setting aside all considerations of the private worth and the acknowledged capacity of the deceased, the province is seriously injured by the loss of one, whose place it is impossible to supply. We say this, with reference to Dr. Clarributt's experience in the treatment of the diseases of Arracan. He had been nearly four years in the province; and we need not say that the experience gained by this lengthy residence in the Eastern Ganges was of the utmost value to all his patients. Government is too much in the habit of sending down young, inexperienced Assistant Surgeons to Arracan, where they are called upon, perhaps immediately upon their arrival to treat a disease altogether distinct from any which they have seen throughout the course of their limited professional career—youths, who have not only never seen an Arracan fever, but, perhaps, never seen an Indian fever at all. We recommend this matter to the notice of Government, assured that it will meet with the attention it deserves.

HUKKARU, MARCH 18.

Intelligence reached us, yesterday afternoon to the effect that Colonel Shelton's Brigade had moved out from Jullat, about the latter end of last month, against a Fort in the neighbourhood occupied by some refractory subjects of the Shah, and that Lieutenant Pignon, of the Engineers, upon whom it devolved to blow upon the principal gate, on the old powder bag system, unfortunately cut his fuse too short, and was unable to make good his retreat, before the explosion took place, which consequently, proved fatal to him. It is said in some quarters, that Captain Douglas, who has recently been appointed Deputy Military Secretary, was killed in the action, by a musket ball, but as other accounts make no mention of his name, we may hope that the report is unfounded. The result of our operations are said to have been eminently successful.

Although we are aware, that, previous to the melancholy occurrence recorded yesterday of the death of Dr. Clarributt, no officer has, for some time, met his death immediately from the effects of the climate of Arracan, we do not think the present an unfit opportunity to point out again for the consideration of the Government, the advantages that would inevitably accrue from the erection of a few good thick-walled and well-raised pukka houses at Akyab and Khyook Phyo. Insufficient shelter makes every climate injurious in its effects on the constitution, and we do not hesitate to say that insufficient shelter has been one of the prime causes, of the sickness which has rendered the climate of Arracan so hatefully notorious. Much has been done, of late years, by the unwarying exertions of the present Commissioner of Arracan, who has ever felt a deep interest in the well-being of the province, and much more will be done by him, if he continue in his present office, as we trust he will, to improve the salubrity both of Khyook Phyo and Akyab, by clearing away the jungle, by which they are surrounded on all sides, where the sun is not; but in such a climate as Arracan, where a sudden shift of wind sometimes, almost (or perhaps quite) carries your house into the jungle, it is necessary, above all things, that a good thick wall should stand between you and the outer atmosphere. It is only lately that glass windows and doors have been in general use—they are certainly vast improvements to the mat-houses, but these houses, even with their glass doors and windows, especially during the rainy season, (and only they who have visited Arracan know what a rainy season is) are but poor protection against the inclemencies of the weather; and has for the sepoy's huts they are soon rendered almost totally uninhabitable. The 65th Regiment of native infantry, which has just returned from Khyook Phyo, though its office is enjoyed tolerable health, lost a melancholy number of sepoy; and this we attribute to the fact, that whilst an improvement has taken place in the housing of the officers, there has been no improvement in the housing of the men. Both are badly housed; but the sepoy, who feels the change of climate as much as does the European, is the greater sufferer from bad shelter of the two. We throw out these hints, hoping they may be of use, but we have no time to enlarge on the matter.

HUKKARU, MARCH 19.

We are afraid that our evening contemporary has committed what Talleyrand would say, speaking of course politically, what is worse than a crime—an error in the manner in which he has handled the Quedah question. We are apprehensive that he has produced direct evidence against his client, the Government, and that his best manoeuvre will be that of Joe Miller's Counsel, who fell into the same error and pleaded most strenuously for the opposition side—taking us for the attorney who reminds him of his erroneous notion of his retainer, and to call out lustily:—“This, my lords, is what I am aware the opposite side will urge on their part.” We, as advocates for “justice for Quedah,” require no firmer basis than that furnished by the *Courier* himself, which consists in the first clause of the treaty under which Pinang was added by Quedah to the British power. Here it is—we take it from the *Courier*, with annexed assent of the Governor General in Council:—

“Conditions required. Replies of the Governor

by the King of Quedah, General and Council, to the King of Quedah's demands.

ARTICLE 1ST.

That the Honorable Company shall be guardian of the Seas; and whatever enemy may come to attack the King shall be an enemy to the Honorable Company, and the expense shall be borne by the Honorable Company.

We think that no rational person will deny that the plain import of this contract is, seeing that the British power, agrees to take Pinang from Quedah on the condition that it will maintain an armed vessel, for mutual defence and protection—nothing we apprehend can be more clearly expressed. Here we have no stipulation in favor of the predatory rights of the Siamese—the right of Siamese to demand contributions and aid from Quedah—the engagement is unqualified and direct. But it appears, that the British authorities, after having obtained Pinang from Quedah, discovered that Quedah, had in times of old, acknowledged a sort of submission to Siamese, and upon what is thought expedient occasion, the British power, says “oh, we have discovered that you are dependent upon the Siamese—we were very naughty to recognise you as an independent power—we must now employ our ‘armed Steamer’ to subdue, instead of, to protect you.” It is not a little singular that the *Courier* should have only a few evenings ago, published an extract from Mr. Gleig's Memoirs of Mr. Hastings, in which extract, Mr. Gleig attempts to justify the undoubted fact, of two miserable ennuhs having been seized, put in irons, and starved till they produced the sum to be extorted from them, on the ground that it is better that India be confirmed in our possession than that such trifles be regarded—Nay, Mr. Gleig, has a taste for the ridiculous and absurd:

“The ennuhs, like the majority of their countrymen, loved money more than they loved their own persons; and stoutly held out against imprisonment and the privation of food till the uneasiness occasioned by the latter became insupportable. I really must be pardoned if I venture to characterize as something pre-eminently ridiculous and wicked, the sensibility which would strive to balance the well-merited sufferings of those usurpers against the preservation of British India. The ennuhs deserved death for having advised their mistresses in the line of crooked and unwise policy which they followed. They escaped with a little personal suffering, which was applied only so long as they refused to surrender up a portion of that wealth, the whole of which their own and their mistresses treason had forfeited.”

These poor devils of ennuhs, in irons, (which Mr. Gleig does not mention) compelled by starvation, (which in the records of ship wrecked mariners, is the most dreadful of all tortures) are objects of ridicule with Mr. Gleig—now it is perfectly well-known and admitted, that the charge of “treason” alleged against the Begums, whose ennuhs were thus tortured, was absurd, and contradictory. Mr. Gleig, has an exquisite relish for the pre-eminently ridiculous and wicked; and we presume that he would say, “I really must be pardoned, if I venture to characterize, as something pre-eminently ridiculous and wicked the sensibility which would strive to balance the well-merited suffering of the Quedah princes, against the preservation of British India.” Now the Court of Proprietors, and the Court of Directors, may perhaps be greatly indebted to Governors and agents, who for their special benefit, not their own, will have the phrase go, “sell themselves to the devil.” But why should this be done in a case where all the advantage lies in making the bargain with the good angels? It might have been requisite, as Mr. Gleig says, that Warren Hastings should put two miserable ennuhs, on the alternative of being starved to death, or yielding up their coin—to the King John principle, but why should we torture Quedah, to gain only thereby a loss to a religion, to commerce, to civilization? We are afraid that the matter can only be made worse by attempted defence—and the sooner the British power, either local or home, retraces its steps, the better for the interests of humanity in the first place, and of Great Britain, India and Pinang in their commercial relations in the next place.

COURIER, MARCH 17.

The Act proposed for amending the Bengal Code in respect to the sales of land for the arrears of revenue, thought calculated to relieve the landholders from some of the greatest hardships to which they have hitherto been subjected on account of the just demand of Government to levy interest on the arrears of revenue, is nevertheless void of a specific clause which should provide for the establishment of a fixed and unalterable rate of interest claimed by the liege lords from the Ryots on the score of advances of money for the cultivation of lands. It is too well known to need being mentioned that the Indian peasantry, like the under-tenantry of most other countries, have no capital of their own to employ in Agricultural undertakings, and hereby reap the full measures of benefits to which they are, in consideration of their usefulness, justly entitled. Their styled of living, the rude implements of husbandry which are in use amongst them, and the oppressions to which they are forced to submit, at once attest the depressed state in which they are almost universally sunk. Strangers to the blessings of independence and uninfluenced by any lofty aspirations of raising themselves by dint of mutual co-operation to a new and higher platform of earthly felicity, they cover under tyranny and are made the mere stewards of their masters' voluptuous enjoyments. Whatever they earn by the sweat of their brow, by continual exposure to a burning sun and an inclement weather, goes, after a scanty pittance left for their subsistence, to replenish the coffers and minister to the gratification of their liege lords. They in seasons of cultivation borrow money of the rapacious usurers at a certain rate of interest which the law of the land possibly admits, but they are generally made to repay in a kind, a process of payment which in this country severely leaves the haggard, care worn, and poverty-stricken Ryots so much as would afford them salt to their rice. A species of grinding avarice—the result of the predominance of usurious practices, in a defence of law, equity or justice has reduced the helpless peasantry to the last stage of impoverishment and wretchedness. Government has not hitherto been able to sufficiently protect their interests and ensure them the full enjoyment of their natural and therefore indefeasible rights;

the magnates of the lands have invariably evinced a culpable indifference to every thing, suggestive of any least amelioration, in their condition, while they themselves from their ignorance and poverty, isolation, and degradations, have all along been shut out from the ordinary sympathy of mankind. Until recently no voice was ever raised to improve their condition, no mind ever seriously contemplated to snap asunder the chains of galling bondage which still clang on their feet, and no effort ever made in earnest to guarantee them the unmolested enjoyment of the comforts, rights and privileges to which in justice and humanity they are entitled.

MADRAS.

ATHENÆUM, MARCH 18.

The *Bombay Courier* from the 9th instant contains some strictures on an article in the *Friend of India* on the opium question, from which we must beg most unequivocally and entirely to dissent. Our object is not to vindicate the opinion expressed by the *Friend of India*; this our contemporary is well able to do for himself; but to point out what we deem objectionable in the *Courier*. But recently, we had occasion to notice his remarks on the *Farish testimonial* case, wherein we stated, that we should be sorry to see him in the moral Philosophy chair of any of our Colleges, and we think him equally unhappy with reference to his legal knowledge. To guide the reader, we shall insert the paragraph on which the *Courier* comments.

“Among other expectations, that of obtaining full compensation for the confiscated opium was foremost in the minds of those who were swarting under the effects of the seizure; but we cannot class their hopes among those which reason would have sanctioned. That the Chinese were not bound by any law, which obtains among civilized or barbarous nations to make good the value of contraband articles seized in their own waters and confiscated by the laws of the Empire, we have hitherto endeavoured to shew. The confiscation was legal according to the international law of Europe, and the peculiar laws of China, however violent and illegal, might have been the mode of effecting it. Whether a legal seizure effected by an illegal process would be valid according to European law we leave to the Juris consults.”—*Friend of India*.

The *Courier* on this proceeds to say, “The rights of international law, which are claimed for the advantage of the Chinese Mandarins must be also allowed against them. They had by the edicts of the Empire declared Opium a contraband, that is a prohibited article, while they also by their practice allowed the trade to be openly carried on for years. The *Friend of India* is well aware that in all arrangements of trade, universal practice and not a mere set of words, constitutes true law. Besides, in order that the Chinese law of trade declaring opium to be contraband and prohibited, should be valid, the Chinese ought to have the means to carry it fully into effect. Instead however of repressing it, the Chinese encouraged, do encourage, and will encourage the trade in opium, which by the bye is in itself as lawful as any other trade—for opium like wine, brandy, or tea, if used in proper quantities, is useful, and was not made by the Great Framer of the world to be injurious to man. Its abuse, on which the Mandarins, and their adherent of Serampore base their reasoning, does not prove that the drug itself constitutes a moral delinquency.”

We do not design more than to point out what appear to us the discrepancies in this view of the case. The *Courier* admits that the Chinese “had by the Edicts of the Empire declared opium a contraband, that is a prohibited article, while they also by their practice allowed the trade to be openly carried on for years.” An Edict from the Emperor of China is tantamount to an act of Parliament with us; it is the law of the land, no matter to whatever subject it refers. Though the practice of the Canton authorities was such as to render the Emperor's Edicts nugatory, it must nevertheless appear evident that the question of the legality of the trade would not, were it tried in a Court of Law, be decided upon what the practice of the Chinese authorities was, but on the real purport and meaning of the Emperor's Edicts.

The violation of his positive instructions by the official authorities could by no mode of reasoning destroy the force of the Sovereign's fiat, which alone was the law, and any act on their part, or ours, which ran counter to this, incalculable the parties, and rendered them liable to its penal sanctions. Our contemporary thinks that “a mere act of words” goes for nothing, and that the “universal practice constitutes true law.” On this principle, the most flagrant violation of all law might be justified.

Every state may be said to have enacted for its own security, certain laws by which rebellion is punished as a capital crime; but in cases of the kind, and they are not unfrequent, the universal practice is in opposition to the throne and the government, and because universal, is, on the doctrine of our contemporary, sufficient to nullify the mere act of words. Will our contemporary aver, that because the universal practice of mankind is a series of acts offensive to the Great Framer of the world, that therefore the mere words of the Supreme Legislature which interdict such practices, go for nothing? Yet to this conclusion would the doctrine of our contemporary lead. We are bound, on the principles of international law, to respect the laws by which other states think proper to regulate their commerce. It is therefore childish trifling with the subject for our contemporary to say, “Besides, on order that the Chinese law of trade declaring opium to be contraband and prohibited should be valid, the Chinese ought to have the means to carry it fully into effect.” A most sapient remark, that jumps at once to the conclusion that might and right are synonymous. States are made up of families, and as all know, of varied degrees in birth, influence, and property. Each has its own laws for internal economy, and these may be more or less efficient according to the circumstances, habits, and information of such little republics. Notwithstanding, a more powerful neighbour obtrudes himself and commences to dictate terms to the weaker by which he forces them to trade according to his dictum and contrary to their own views and feelings. Oh! says the *Courier*, “this is all as it should be: to render their own traffic valid they ought to have the means to carry it fully into effect.” Our contemporary may have been vastly pleased with its unmeaning effusion, but it is so utterly at variance with common sense, to say nothing of international law, that it has only to be read to be condemned.

UNITED SERVICE GAZETTE. MARCH 19.

MILITARY INTELLIGENCE.—The Official Gazette of Thursday last contained the appointment of Captain G. B. Arbuthnot, of the

31 L. C. and D. A. Adjutant General Celed Districts, to the command of the Body Guard. This appointment was announced as forthcoming several months ago and is at a loss to conceive why it has thus long hung fire. Captain Arbuthnot is a very smart Cavalry Officer and will we doubt not do every justice by his charge. Lieutenant Macqueen of the same Corps, is we hear, to be appointed A. D. C. to Major General Sir Robert Dick. Rumour has it that orders have been received from the Supreme Government prohibiting the employment in future of Artillery Officers in any Staff situations unconnected with the Ordnance Arm. This has probably been ordered in consequence of the present paucity of Officers with that arm of the service, but it will fall very hard on the “Scientific Corps” who are hardly worked, slow in promotion, and will thus have a much smaller share of Staff Appointments than the other branches of the Service. It is reported that the 41st N. I. likely to be ordered on Foreign Service though no one seems to know any thing certain on the subject. The *Maiden* Inspection of the 2d European Light Infantry says what can be done in a few months with raw recruits, if they be only well officered. The appearance and state of discipline to which this young Corps has been brought in so short a time, are judged most creditable to Colonel Dyce and his Officers and the orderly conduct of the men is no less creditable to themselves. We learn that the 50th N. I., has arrived safely at Behampore after a pleasant march and happily experiencing no sickness. Our friends however seem to regret having left the pretty little Cantonment of Vizianagaram for the badly housed one of Berhampore. The 2d Native Infantry will be inspected by Sir Robert Dick, on the 15th, at 5 p.m. to-day.

DETACHMENT COMMAND ALLOWANCE.

We have just been made acquainted with what appears, in our humble judgment, to be one of the most jejune evasions of the spirit of a regulation, that ever came to our notice; in the shape of an order from the Government of India, depriving Major Jackson of H. M. 57th Foot of the establishment allowance for Commanding Four Companies of that Regiment in strength 292 Rank and File with 20 sergeants and Drummers. The particulars of the case are as follows:—The Left Wing of the 57th was last year detached from Trichinopoly to Bangalore and subsequently ordered down to the Presidency; the Right Wing and Headquarters continuing at Trichinopoly; but the strength of the Left Wing being found insufficient for the duties of Fort St. George, the Flank Companies and Headquarters of the Regiment were ordered down to Madras, leaving Major Jackson Command of the remaining four Companies at Trichinopoly; when agreeably to the spirit of G. O. 29th January 1830, the made over the command of his own Company to the Officer by seniority entitled thereto, and appointed the regular officiating Staff. Much however to the Major's astonishment, (as we are informed) on the other day received a packet containing sundry enclosures from the Finance Department, acquainting him that the Government of India had decided that he was not entitled to the Command allowance for his Detachment, and that he must consequently be prepared to fork out forthwith upon the mandate of a Retrenchment. How is this now, will doubtless excite in many, of our Military readers? thereby shewing their excessive ignorance, as we ourselves did on hearing the above; inasmuch as the order provides for Detachments to do duty in the Field or at other Station, and the Bengal Government (may their shadows never be less), have come to the sapient decision, that as Major Jackson's Detachment never left Trichinopoly but was left there by the Headquarters it cannot possibly be considered as another Station (though the Regiment, as a collective body otherwise, is at Madras), and consequently cannot require a paid commandant, or officiating Staff, which it would have been entitled to had it moved five miles out of Trichinopoly Cantonment. Never indeed did we here of a more glaring act of illiberality than the construction put upon this order by the Bengal Government, for the regulation speaks for itself, and was evidently framed to provide for the command and Staff duties of European Detachments. We hope therefore that Major Jackson, will memorialise the Court of Directors on the subject, and had we the pleasure of his acquaintance, we should strongly advise him thereon, but since we know him only by reputation though Har's Army List, as a gallant old Soldier of 31 years Full Pay Service, and who bears the marks of THREE SEVERE WOUNDS in the breast and both arms, received at Alibey, we can only offer our recommendation through this public medium.

THE MILITARY FUND.

We learn that Major Moberly has again tendered his resignation of the Secretaryship to the Military Fund, as he did many months ago, and that the Directors meet this day to take the business into consideration. The accounts we are told, no one can make head or tail of, so whether we succeed Major Moberly will have a difficult task to unravel them, a task which in fact, has ever baffled Major Moberly, though he has the credit of being a clear headed Accountant. We trust however that the Directors will no longer resort to temporary tinkering but at once employ a first rate Accountant in England.

MASONIC.—The Installation of Lord Elphinstone, as Provincial Grand Master of the Craft in Southern India, to which his Lordship has been appointed by His Royal Highness the Duke of Sussex, took place before a large assembly of the Brethren in the Masonic Temple, on the South Beach yesterday evening.